# Office of Professional Accountability (OPA) Commendations & Complaints Report December 2010

#### **Commendations:**

Commendations Received in November: 8 Commendations Received to Date: 63

| Officer Justin Claxton                   | The mother of a man whom Officer Claxton arrested for an outstanding warrant compliments Officer Claxton for his prudent judgment in evaluating and addressing the circumstances surrounding the custody of a minor child at issue at the time of the arrest.  |
|--|--|
| Police Chief John Diaz                   | A community member compliments Chief Diaz for "standing up for his employees," when he made public comments supportive of an officer who had made a robbery arrest.  |
| West Precinct Patrol Officers            | A person who regularly works in downtown Seattle, traveling from Pioneer Square to Belltown, and who has called for police assistance many times, comments, "In each instance, the police have responded promptly and been very helpful And are doing a tremendous job in a difficult environment."  |
| Officer Paige Maks                       | A citizen contacted the OPA-IS office who wished to commend Officer Maks for her actions taken on a reported theft of his mother's purse while she was visiting from out of town. Officer Maks' thoroughness, care, and conscientious work ethic resulted in the return of the victim's purse. Citizen states he was highly impressed with the level of professionalism displayed by Officer Maks, and said it has changed his view of the Seattle Police Department for the better. |
| Retired Officer Jack Blake               | A citizen e-mailed OPA to commend Retired Officer Jack Blake for his consistent kind and friendly behavior each day while coordinating the traffic and equipment where the Bill & Melinda Foundation is being built. Citizen states that Officer Blake is efficient, serious and careful, and that the citizen feels safer at this hazardous intersection.   |
| Officer Vasilios Sideris                 | A community member e-mailed OPA to commend Officer Sederis for taking the extra time to talk about the neighborhood crime survey. Community member states, "Officer Sideris also came back later to drop off information to my son who is considering a career in law enforcement. Nice extra effort, thanks!"   |
| Officers Tad Willoughby and Randy Jokela | A citizen contacted the OPA Office who wished to commend Officers Willoughby and Jokela for the actions they took when he fell and injured himself. The officers provided first aid to minimize the bleeding and ensured his safety until medics arrived. Citizen states that both officers were kind and professional and he had the sense that they truly cared for his well being and made every effort to help during a time of crisis.  |
| Officer Bret Milstead                    | A citizen contacted the OPA-IS office to commend Officer Bret Milstead for his response regarding her missing teenage son. Officer Milstead had responded to similar calls in the past and citizen states that each time Officer Milstead has been helpful, professional and thorough in his response. Citizen feels Officer Milstead truly cares about his work and does a "fantastic job" at all times.  |

# **November 2010 Closed Cases:**

Cases involving alleged misconduct of officers and employees in the course of their official public duties are summarized below. Identifying information has been removed.

Cases are reported by allegation type. One case may be reported under more than one category.

### STANDARDS OF CONDUCT: VIOLATION OF LAW

| STANDARDS OF CONDUC  | I: VIOLATION OF LAW   |
|--|---|
| Synopsis   | Action Taken  |
| The complainant, whom the named officer had arrested on a Department of Corrections                | Allegation: Violation of Law (sexual assault) ADMINISTRATIVELY UNFOUNDED  |
| detainer for a felony warrant, alleged the named officer sexually assaulted him during the arrest. | The evidence demonstrated that the arrest occurred in a public place, was witnessed by several passersby, and that the complainant likely suffers from emotional/mental health issues that affect his interpersonal interactions. The complainant misidentified the named officer but the named officer, being familiar with the complainant from having arrested him several times previously, noted that the complainant frequently misidentifies him and refers to him by a similar sounding name. The named officer denied sexually assaulting the complainant. |
| The complainant, the wife of the named officer, alleged to a neighboring police jurisdiction       | Allegation: Violation of Law Administrative (Domestic Violence) NOT SUSTAINED   |
| that the named officer had committed a domestic violence   | The matter was investigated criminally by a neighboring police jurisdiction in which the alleged misconduct occurred, criminal  |
| assault against her and damaged her property.  | charges were filed, but the case was dismissed when the complaining party did not show up for court and declined to further participate with the case. The totality of the circumstances did not permit a finding of whether the alleged misconduct occurred or not.  |
| The spouse of a Seattle Police officer alleged that the named                                      | Allegation: Violation of Law (Administrative) – NOT SUSTAINED   |
| officer committed domestic violence against the spouse in  | The spouse of the named officer alleged that the named officer committed a domestic violence assault. The incident was criminally   |
| the jurisdiction of their residence.   | investigated by the jurisdiction in which the couple resided. The jurisdiction declined to file criminal charges. Sixteen months after the incident, the complainant reported the incident to the Seattle Police Department. The evidence was inconclusive whether the alleged misconduct occurred.   |

#### STANDARDS OF CONDUCT: VIOLATION OF LAW

| Synopsis                           | Action Taken   |
|------------------------------------|--|
| The complainant, a Seattle         | Allegation: Violation of Law Administrative – ADMINISTRATIVELY     |
| Police Department supervisor,      | UNFOUNDED  |
| stated that a witness used by a    |  |
| department investigative unit      | The evidence, including a 6-week investigation by a Seattle Police |
| alleged that she had heard from    | Department investigative unit, discovered no evidence of the       |
| two unidentified street-level drug | misconduct alleged.  |
| dealers that the named officer     |  |
| was seizing illegal drugs from     |  |
| suspects without arresting them.   |  |

# STANDARDS OF CONDUCT: PROFESSIONALISM

| Synopsis  | Action Taken  |
|---|---|
| The complainant, a limousine driver, six months after he had  | Two named officers  |
| been in a dispute in front of a hotel with another limousine driver, to which the named officers had been dispatched to                               | Same allegations and findings for each named officer Allegation #1: Poor Exercise of Discretion – EXONERATED Allegation #2: Rudeness – UNFOUNDED  |
| handle, alleged the named officers should have arrested the other limousine driver for assaulting him and that the named officers were rude.          | The evidence demonstrated that the named officers acted reasonably and appropriately when they concluded that completion of a General Offense Report for the dispute between the complainant and the other limousine driver was not warranted. The evidence also demonstrated that the named officers were not rude to the complainant.   |
| The complainant, whom the named officers had arrested for Driving Under the Influence (DUI), alleged that named officer #1, after the complainant had | Named officer #1:  Allegation: Lack of Professionalism/Courtesy – SUPERVISORY INTERVENTION  |
| refused to provide a breath or blood sample, threatened to hit  | Named officer #2:   |
| him, if necessary, to obtain a blood sample for analysis. The   | Allegation: Unnecessary Use of Force – EXONERATED   |
| complainant alleged that named officer #2, without justification, stepped on his arm in the DUI processing area.                                      | The evidence demonstrated that named officer #1, likely in jest after the complainant had refused to provide a breath or blood sample during his processing for DUI, said words to the effect that then the officers may be required to hit the complainant to obtain a blood sample. The evidence demonstrated that this comment was inappropriate even if made in jest. The evidence demonstrated that named officer #2 briefly placed his foot on the complainant's arm to control the movements of the complainant though there was no evidence of this causing any injury while he was lying on the floor of the holding cell. |
|   | Corrective action: The supervisor of named officer #1 discussed with him the inappropriateness of making gratuitous comments to a person in complainant's situation.  |

# STANDARDS OF CONDUCT: PROFESSIONALISM

| on Taken   |
|--|
| ed officer #1: ation #1: Exercise of Poor Discretion – EXONERATED ation #2: Unnecessary Use of Force – EXONERATED  ed officer #2: ation #2: Unnecessary Use of Force – EXONERATED  ed officer #3: ation #2: Unnecessary Use of Force – EXONERATED  evidence demonstrated that the named officers were justified for orarily detaining the complainant, justified in frisking the elainant for weapons, and justified in arresting the complainant possession of an illegal knife. Consequently, the named officers justified in touching the complainant as they stopped him, d him for weapons, handcuffed him, and processed him equent to his arrest. |
|  |

# STANDARDS OF CONDUCT: RULES/REGULATIONS

| Synopsis  | Action Taken  |
|---|---|
| The complainant, who has been involved in a protracted series of  | Three named employees.  |
| issues with the Department's<br>Human Resources Section,<br>alleged the Assistant Chief in  | Same allegation for each named employee: Employee Welfare Police ADMINISTRATIVELY UNFOUNDED   |
| charge of the unit and two other sworn employees in the unit, ordered the complainant to wear a protective ("bullet proof") vest knowing that the complainant's physician had diagnosed that he should not wear one for health reasons, causing the complainant injury to his shoulder. | The evidence established that the alleged misconduct simply did not occur.  |
| It is alleged that the named officer was working secondary employment without having  | Allegation: Failure to Possess a Secondary Employment Permit – SUSTAINED  |
| obtained a Secondary Employment Permit from the Seattle Police Department, as required by department policy.  | The evidence established that the named officer did not comply with the department's policy regarding possessing a permit authorizing secondary employment. |
|   | Corrective action: The named officer received a verbal reprimand.   |

#### STANDARDS OF CONDUCT: RULES/REGULATIONS

| STANDARDS OF CONDUC   |  |
|---|--|
| Synopsis  | Action Taken   |
| It was alleged that the named officers failed to properly investigate a domestic violence situation, failed to properly document the domestic violence situation in compliance with state | Named officer #1: Allegation #1: Violation of Rules & Regulations – UNFOUNDED Allegation #2: Violation of Law (Administrative) – UNFOUNDED Allegation #3: Failure to Comply with Language Interpreter Policy – UNFOUNDED   |
| law requirements, and failed to comply with the Seattle Police Department's policy on the use of language interpreters.   | Named officer #2: Allegation #1: Violation of Rules & Regulations – NOT SUSTAINED Allegation #2: Violation of Law (Administrative) – NOT SUSTAINED Allegation #3: Failure to Comply with Language Interpreter Policy – SUPERVISORY INTERVENTION  |
|   | Regarding named officer #1, the evidence demonstrated that named officer #1 did not engage in any of the misconduct alleged.   |
|   | Regarding named officer #2, the evidence was inconclusive whether named officer #2 failed to comply with Seattle Police Department policy and state law regarding the investigation and reporting of possible domestic violence. However, the evidence demonstrated that named officer #2 could have been more perceptive in determining whether he and one of the parties involved in the incident may have benefitted from the use of a language interpreter to assist them in communicating with one another. |
|   | The corrective action included named officer #2 receiving additional training regarding cross-cultural communication, especially when in the context of possible domestic violence situations, and assisting with the development of training on the topic for roll call training for patrol officers. The OPA Director also directed the Department's Audit, Accreditation, and Policy Section to review Seattle Police Department policy regarding reporting of possible domestic violence situations.         |
| This case is associated with the above incident that involved the same parties in an earlier domestic violence incident but with different patrol officers responding to the incident.    | Named Officer #1: Allegation #1: Violation of Rules & Regulations – UNFOUNDED Allegation #2: Violation of Law (Administrative) – UNFOUNDED Allegation #3: Failure to Comply with Language Interpreter Policy – UNFOUNDED   |
| Similarly, it is alleged that the named officers in the present OPA case failed to properly investigate a domestic violence situation, failed to properly document the domestic violence  | Named officer #2: Allegation #1: Violation of Rules & Regulations – UNFOUNDED Allegation #2: Violation of Law (Administrative) – EXONERATED Allegation #3: Failure to Comply with Language Interpreter Policy – UNFOUNDED  |
| situation in compliance with state law requirements, and failed to comply with the Seattle Police Department's policy on the use of language interpreters.                                | The evidence demonstrated that neither of the named officers engaged in the misconduct alleged and that named officer #2 was justified in concluding that he was not required by state law to complete a General Offense Report since it was reasonable for him to conclude from the information that he had that the incident did not constitute a reportable incidence of domestic violence.   |

# STANDARDS OF CONDUCT: RULES/REGULATIONS

| Synopsis  | Action Taken  |
|---|---|
| Complainant alleged that the named officers were not justified  | Two named officers  |
| in entering the complainant's apartment unit in response to information provided by the   | Same allegation and finding for each named officer; Allegation: Unjustified Search – EXONERATED   |
| apartment manager that conditions in the apartment unit were endangering the health and welfare of minor children living in the unit.   | The evidence established that the named officers were justified when they entered the complainant's apartment to check on the welfare of the minor children living there. They found conditions that were detrimental to the health and welfare of the children.  |
| The complainant, who had called   | Two named officers  |
| 911 to report someone pounding on the front door to her apartment unit (who later was identified as the apartment manager), alleged that the  | Same allegations and findings for each named officer: Allegation #1: Failure to Complete a General Offense Report – EXONERATED  |
| named officers, who had been dispatched to the disturbance  | Allegation #2: Failure to Identify Self – NOT SUSTAINED   |
| call, should have completed a report accusing the apartment manager of harassing her and that the named officers refused to identify themselves to her when she asked them for their names. | The evidence demonstrated that the named officers were justified in concluding that a General Offense Report was not warranted.  Notably, the complainant in the present OPA case has twice in the past several months made similar complainants against officers under similar circumstances involving imminent eviction of the complainant from an apartment. The evidence was inconclusive regarding whether the named officers failed to identify themselves to the complainant. The complainant stated that they refused; the named officers stated that the complainant never asked for their names and that they would have gladly provided them if asked. |
| It is alleged that the named officer threatened to retaliate against other Seattle Police   | Allegation: Retaliation Against Witnesses in the Complainant Process  – ADMINISTRATIVELY INACTIVATED  |
| Department employees who were witnesses against her in a previous OPA-IS investigation.   | The evidence demonstrated that the specter of retaliation by the named officer against fellow officers who were witnesses in a previous OPA-IS case against the named officer could not be substantiated and was more the product of casual conversation in the named officer's precinct of assignment. Due to the lack of investigative leads and the apparent reticence of the involved parties to further address the matter, further investigative effort at this time is unwarranted. The investigation could be re-activated should additional information become available.  |

#### STANDARDS OF CONDUCT: RULES/REGULATIONS

| Synopsis  | Action Taken  |
|---|---|
| It was alleged that the named officer, while on sick leave, violated Seattle Police       | Allegation #1: Failure to Remain in an Approved Place of Recovery – NOT SUSTAINED   |
| Department policy regarding place of recovery and activity while on sick leave.           | Allegation #2: Engaging in Unapproved Activity While on Sick Leave – SUPERVISORY INTERVENTION   |
|   | The evidence was inconclusive regarding whether the named officer was out of compliance with department policy regarding remaining in an approved place of recovery. The evidence demonstrated that the named officer engaged in unapproved activity while on sick leave when he volunteered in a minor way to assist a family member with his non-law enforcement business.  |
|   | Corrective action: the named officer and his supervisor discussed the reasoning underlying the department's interest in having a sick leave policy that is intended to ensure employees recognize their responsibility to not engage in activity that may be detrimental to their recovery.   |
| It was alleged that an unknown Seattle Police Department                                  | Unknown Employee(s)   |
| employee(s) failed to properly report an incident of domestic violence witnessed during a | Allegation #1: Failure to Report an Observed Incident of Domestic Violence – ADMINISTRATIVELY UNFOUNDED   |
| party at the residence of a Seattle Police Department employee located in another         | Allegation #2: Interfering with a Complainant of Domestic Violence – ADMINISTRATIVELY UNFOUNDED   |
| jurisdiction.   | An outside jurisdiction investigated a possible incident of domestic violence that may have occurred during a party in the residence of a Seattle Police Department employee located outside the City of Seattle and declined to bring any criminal charges because of a lack of corroboration of the version of the facts provided by the alleged victim. The evidence was inconclusive regarding whether an incident of domestic violence occurred. Therefore, since the underlying misconduct was not established, the subsequent requirement to report such misconduct was rendered moot. |

# STANDARDS OF CONDUCT: MISHANDLING PROPERTY/EVIDENCE

| Synopsis  | Action Taken  |
|---|---|
| The complainant, whom the named officer had arrested for a  | Allegation: Failure to Safeguard Property – UNFOUNDED   |
| domestic violence assault, alleged that the named officer did not properly safeguard a cell phone that she alleged was in her possession at the time she was fighting, noting it was not in her belongings when she was | The evidence, including the complainant's admission that she was intoxicated at the time of the fight for which she was arrested, demonstrated that the complainant was unsure, herself, whether the named officer had somehow caused her to lose her cell phone, stating she only claimed he was responsible because he happened to be the officer who arrested her. The named officer and a witness officer state they never saw the complainant with a cell phone when |
| released from jail.   | in their presence.  |

# STANDARDS OF CONDUCT: MISHANDLING PROPERTY/EVIDENCE

| Synopsis                            | Action Taken   |
|-------------------------------------|--|
| The complainant, five months        | Allegation: Failure to Safeguard Property – SUSTAINED                    |
| after he was arrested by the        |  |
| named officer, alleged that when    | The evidence demonstrated that the named officer did take                |
| he went to the jail to retrieve his | possession of the complainant's back pack at the time of the arrest      |
| possessions, including a back       | and placed it on the trunk of a patrol car with the intent of eventually |
| pack that he had in his             | placing it into the Evidence Room for safekeeping but that it was not    |
| possession at the time of his       | placed into evidence and was lost between the time it was last seen      |
| arrest, the back pack was not       | on the trunk of the patrol car and the time the complainant attempted    |
| among his possessions and,          | to retrieve it. The named officer had a responsibility to properly       |
| therefore, presumed lost.           | safeguard the complainant's property and failed to meet that             |
|                                     | responsibility.  |

# **UNNECESSARY FORCE**

| Synopsis  | Action Taken  |
|---|---|
| Complainant, whom the named officer was arresting for a domestic violence assault,  | Allegation: Unnecessary Use of Force ADMINISTRATIVELY EXONERATED  |
| possibly involving a rifle and threats to kill, alleged that the named officer should not have deployed a Taser charge at him during the arrest.  | The evidence demonstrated that the named officer used reasonable and necessary force when he deployed the Taser after the complainant refused to comply with commands from the officer to submit to arrest, refused to keep his hands in sight, and attempted to move away from the named officer into a nearby room.   |
| The complainant, who describes himself as a "Street Preacher," alleged that, for no reason, two uniformed officers approached him, twisted his arms and took him to the ground, injuring his arm. | Unknown Officer(s)  Allegation: Unnecessary Use of Force ADMINISTRATIVELY UNFOUNDED  Despite the effort of OPA-IS to identify any possible involved officer, none could be identified, and the complainant, despite several efforts to contact him, did not respond to provide further information.   |
| Complainant, whom the named officers had temporarily detained as a suspect in a possible burglary to which they had been  | Three named officers  Same allegation for all three named officers: Unnecessary Use of Force – EXONERATED for all three named officers  |
| dispatched, alleged the named officers used inappropriate force when they stopped him.  | The evidence demonstrated that the named officers were justified in temporarily detaining the complainant as a possible burglary suspect and that the minimal force they used to handcuff him was reasonable and necessary under the circumstances. The named officers completed a General Offense Report for alleged property damage by the complainant, a patrol sergeant screened the incident, and the named officers investigated and released the complainant at the scene. |

# **UNNECESSARY FORCE**

| Synopsis Synopsis  | Action Taken  |  |  |  |  |  |
|--|---|--|--|--|--|--|
| The complainant, whom the named officers arrested for assaulting them, alleged the named officers used unnecessary force when  | Two named officers  Same allegation for each officer: Unnecessary Use of Force – UNFOUNDED for each named officer   |  |  |  |  |  |
| controlling and arresting her.   | The evidence, including in-car video, established that the named officers were justified in contacting the complainant based upon her involvement in a disturbance and her improperly parked vehicle; that the complainant, upon being contacted, became uncooperative (including biting one of the named officers) to the point the named officers had to physically restrain her, including handcuffing her; and that the complainant significantly exaggerated the minimal degree of force the named officers actually used to control her. Notably, according to the prosecutor who accepted the plea agreement the complainant entered for assaulting the named officers, the plea means the complainant will now receive the substance and mental health treatment she needs to help her with her problematic behavior. |  |  |  |  |  |
| The complainant, one month after he and a friend had been arrested by the named officer for assault on an officer, alleged that the named officer threw him to the ground unnecessarily when arresting him and verbally threatened to assault him while the complainant was being temporarily detained in a holding cell at a precinct after being arrested. | Allegation: Unnecessary Use of Force – UNFOUNDED  The evidence, including third-party witnesses and a holding cell video recording, demonstrated that the alleged misconduct did not occur.   |  |  |  |  |  |
| The complainant alleged that the named officer, who had contacted him when he was observed yelling and punching and kicking the air as he walked along a downtown sidewalk, alarming passersby, used unnecessary force on him.   | Allegation: Unnecessary Use of Force – EXONERATED  The evidence demonstrated that the named officer was justified in temporarily detaining the complainant for conduct that created a reasonable fear in passersby and that the named officer used only minimal, reasonable, and necessary force when he guided the complainant over to his patrol car and held him against the car using a wrist hold. The evidence, including medical records provided by the complainant, indicates that the complainant may suffer from mental health issues.   |  |  |  |  |  |
| The complainant, whom the named officer encountered as a participant in a bar fight, alleged that the named officer, without justification, grabbed her, pushed her against a railing, and applied handcuffs too tightly.  | Allegation: Unnecessary Use of Force – EXONERATED  The evidence demonstrated that the named officer used reasonable and necessary force to protect himself from an intoxicated, uncooperative, and unruly complainant who attempted to throw a bloody towel in his face.  |  |  |  |  |  |

# UNNECESSARY FORCE

| Synopsis   | Action Taken   |  |  |  |  |  |
|--|--|--|--|--|--|--|
| The complainant, who was arrested for a violation of the   | Unknown officer  |  |  |  |  |  |
| Uniform Controlled Substances Act for attempting to sell fake "crack" cocaine to an undercover   | Allegation: Unnecessary Use of Force – ADMINISTRATIVELY UNFOUNDED  |  |  |  |  |  |
| officer during a buy-bust drug operation in downtown Seattle, alleged that an unknown officer punched him in the face at the time of the arrest.   | The evidence demonstrated that the complainant attempted to identify the unknown officer by a nick name of an officer who had many years before worked street-level narcotics operations but who has not worked them for many years and was not involved in the operation in which the complainant was arrested. Additionally, the evidence, including photographs taken of the complainant at the time of his arrest, demonstrates an absence of any noticeable markings that would have been indicative of the misconduct he alleged.  |  |  |  |  |  |
| The complainant, a 14-year old student at a school at which the named officer is assigned as a   | Allegation #1: Unnecessary Use of Force – UNFOUNDED Allegation #2: Rudeness – EXONERATED   |  |  |  |  |  |
| School Team Officer, alleged that on one occasion when the complainant was involved in a disturbance in a classroom that the named officer spoke rudely to him, grabbed him unnecessarily, and intentionally pushed him against a table. | The evidence, including the statement of the school principal, demonstrated that the named officer acted reasonably, respectfully, conscientiously, and in good faith as he interacted with the complainant.   |  |  |  |  |  |
| The complainant alleged that the named officer, without  | Allegation: Unnecessary Use of Force – EXONERATED  |  |  |  |  |  |
| justification, grabbed her arm and pulled her after he had refused to comply with her request to have him complete a report for damage to and theft of items from her car.   | The evidence demonstrated that the complainant approached the named officer as he was monitoring a large crowd dispersing from a night club at closing time and demanded that he immediately take a report from her regarding the damage to and theft of items from her car. The evidence demonstrated that the named officer explained to the complainant that he could not assist her at that exact time and that the complainant then immediately began to walk away into the roadway and into traffic, at which time the named officer tugged on the complainant's arm to guide her back from entering the street and endangering herself. |  |  |  |  |  |

# **Definitions of Findings:**

- "Sustained" means the allegation of misconduct is supported by a preponderance of the evidence.
- "Not Sustained" means the allegation of misconduct was neither proved nor disproved by a preponderance of the evidence.
- "Unfounded" means a preponderance of evidence indicates the alleged act did not occur as reported or classified, or is false.
- **"Exonerated"** means a preponderance of evidence indicates the conduct alleged did occur, but that the conduct was justified, lawful and proper.
- "Supervisory Intervention" means while there may have been a violation of policy, it was not a willful violation, and/or the violation did not amount to misconduct. The employee's chain of command is to provide appropriate training, counseling and/or to review for deficient policies or inadequate training.
- "Administratively Unfounded/Exonerated" is a discretionary finding which may be made prior to the completion that the complaint was determined to be significantly flawed procedurally or legally; or without merit, i.e., complaint is false or subject recants allegations, preliminary investigation reveals mistaken/wrongful employee identification, etc, or the employee's actions were found to be justified, lawful and proper and according to training.
- "Administratively Inactivated" means that the investigation cannot proceed forward, usually due to insufficient information or the pendency of other investigations. The investigation may be reactivated upon the discovery of new, substantive information or evidence. Inactivated cases will be included in statistics but may not be summarized in this report if publication may jeopardize a subsequent investigation.

# **Mediation Program**

The OPA Director selected 2 cases to be resolved through the Mediation Program during the month of November 2010.

Of the 2 cases selected for the Mediation Program, 1 complainant declined to participate and 1 case was successfully mediated.

# Cases Opened (2009/2010 by Month Comparison)

|            | P    | IR   | SR   |      | LI   |      | IS   |      | TOTAL |      |
|------------|------|------|------|------|------|------|------|------|-------|------|
| Date       | 2009 | 2010 | 2009 | 2010 | 2009 | 2010 | 2009 | 2010 | 2009  | 2010 |
| 1/1-1/31   | 18   | 8    | 3    | 8    | 1    | 1    | 15   | 12   | 37    | 29   |
| 2/1-2/28   | 14   | 18   | 6    | 9    | 2    | 1    | 8    | 16   | 30    | 44   |
| 3/1-3/31   | 16   | 30   | 3    | 6    | 6    | 1    | 15   | 16   | 40    | 53   |
| 4/1-4/30   | 15   | 31   | 6    | 9    | 5    | 3    | 12   | 13   | 38    | 56   |
| 5/1-5/31   | 20   | 15   | 10   | 10   | 3    | 3    | 9    | 23   | 42    | 51   |
| 6/1-6/30   | 14   | 25   | 9    | 14   | 3    | 1    | 8    | 13   | 34    | 53   |
| 7/1-7/31   | 16   | 23   | 11   | 10   | 0    | 1    | 17   | 18   | 44    | 52   |
| 8/1-8/31   | 16   | 20   | 9    | 6    | 1    | 3    | 14   | 12   | 40    | 41   |
| 9/1-9/30   | 21   | 16   | 9    | 9    | 1    | 4    | 16   | 17   | 47    | 46   |
| 10/1-10/31 | 21   | 13   | 8    | 9    | 1    | 5    | 13   | 17   | 43    | 44   |
| 11/1-11/30 | 23   | 12   | 10   | 16   | 3    | 8    | 14   | 19   | 50    | 55   |
| 12/1-12/31 | 19   |      | 4    |      | 0    |      | 7    |      | 30    | 0    |
| Totals     | 213  | 211  | 88   | 106  | 26   | 31   | 148  | 176  | 475   | 524  |

#### **Complaint Classification**

**Preliminary Investigation Report (PIR)** complaints involve conduct that would not constitute misconduct and are referred to the employee's supervisor for follow up.

**Supervisory Referral (SR)** complains are those that, even if events occurred as described, signify minor misconduct and/or a training gap. The complaint is referred to the employee's supervisor for review, counseling, and training as necessary.

**Line Investigations (LI)** complaints involving minor misconduct are investigated by the officer's chain of command.

**Investigation Section (IS)** complaints are more complex and involve more serious allegations and are investigated by OPA-IS.



